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ABSTRACT

Based on a review of periodical, ERIC, and monographic literature, this paper examines the history of collective bargaining in higher education, the factors which have influenced its growth, its impact, problems and difficulties that have been reported, and suggestions that have been made to solve these problems. The introductory section of the paper focuses on the current interest in collective bargaining, its spreading impact on higher education, the purposes and significance of the paper, the materials examined in the literature review, and the scope and limitations of the study. This introduction concludes by defining key terms. Section II of the paper presents the findings of the review of the literature. It covers: (1) the history of collective bargaining; (2) factors influencing the growth and development of collective bargaining; and (3) the impact of collective bargaining on faculty-administrative relations, participants' roles in governance, faculty welfare issues, quality of education, other institutional costs, and problem solving and conflict resolution. After Section III presents a summary and conclusions, Section IV offers recommendations and strategies for more productive and effective utilization of collective bargaining in higher education. Approximately 70 items are included in the bibliography concluding the review. (AYC)

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AN INVESTIGATION OF COLLECTIVE BARGAINING IN HIGHER EDUCATION--WITH PARTICULAR REFERENCE TO COLLECTIVE BARGAINING IN THE COMMUNITY COLLEGES

An Investigative Paper Presented to
Dr. B. Lamar Johnson

In Partial Fulfillment of Requirements for
Education 706
Pepperdine University

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INTRODUCTION

Collective bargaining in higher education has attracted much discussion in the literature and much interest in the field. Yet, the labor union movement has been a force in the private sector since the passage of the Wagner Act in 1935. Why, then, the special interest in collective bargaining in higher education? First, because most educators have only limited experience--it being only a recent phenomenon, they feel apprehensive about collective bargaining's effects on the institution and upon their traditional roles. Second, this apprehension has motivated them to acquire a knowledge base from the experiences of others; thus, the current interest among researchers and students of collective bargaining.

Statement of the Problem

Collective bargaining has either been adopted or is an item of much discussion in many community colleges; consequently, for those of us active in the community college field, collective bargaining is or will be a phenomenon with which we must eventually contend. Kemerer and Baldridge state that ". . . academic unionism is on the threshhold of becoming a major force in higher education."[1]

In addition, collective bargaining in higher education, particularly on the community college level, has unique characteristics. Because the employer-employee relationship differs due to (1) the presence of a public interest and (2) the concepts of collegiality and professionalism, the emphases and effects of collective bargaining appear to have potential

for deviating from the industrial model and, therefore, bears special study.

To function effectively in this milieu, the community college educator should have a thorough understanding of the fact and impact of collective bargaining, for it invades and affects almost all aspects of college function, operation, and relationships. In other words, because collective bargaining touches all aspects of our working lives, we have a need to know about it and/or to update our knowledge of it. The purposes of this paper, therefore, are

1. to report the history of collective bargaining in higher education--with particular reference to the community college;
2. to identify the factors which have influenced the growth and the development of collective bargaining in higher education--with particular reference to the community college;
3. to identify the impact that collective bargaining is reported to have on higher education;
4. to identify problems and difficulties reported in the use of collective bargaining in higher education;
5. to report recommendations made for resolving the problems and difficulties reported in (4) above; and
6. on the basis of findings in (3), (4), and (5) above, to recommend strategies for more productive and effective utilization of collective bargaining in higher education.

Importance of Problem

When collective bargaining first became an issue in the community colleges, the discussion focused on its appropriateness or applicability in light of the concepts of collegiality and professionalism. The debate is no longer directed at its appropriateness, for given the number of institutions engaged in collective bargaining, the point appears moot. Rather, the focus of discussion has shifted to assessing the impact of collective bargaining and determining strategies for accommodating to

and dealing effectively with the "fact" of collective bargaining. As Mitchell et al. assert:

> Collective bargaining for public school teachers represents one of the three most significant changes in education in the last 30 years. Only desegregation . . . and the advent of large numbers of specialized and categorical aid programs have had a comparable impact on the nature of schooling in America.[2]

Therefore, a comprehensive knowledge of the topic would provide the base which could allow practioners to more effectively deal with the presence of collective bargaining in higher education and perhaps change the direction of collective bargaining to the benefit of education.

Method of Study

A most extensive review of the literature was employed. Approximately thirty journal and magazine articles were carefully reviewed; over twenty five unpublished reports, papers and theses in the ERIC microfiche collection were reviewed; and data derived from careful reading of over twelve published books on the subject of collective bargaining were summarized.

Scope and Limitations of the Study

This study was limited to a review of the literature related to the purposes of the study. Surveys or interviews, although originally planned, were not conducted. This researcher felt, as a result of the review of the literature, that a series of superficial interviews would result in suspect data. While reviewing the literature, the researcher was impressed by the need for in-depth studies; careful control of variables; and allowance for historical, political, and situational circumstances to validate findings. The researcher did not feel that the time constraints of this

investigative paper would allow provision for the necessary controls to insure that the data gathered through interviews or surveys would be reliable or valid.

Definition of Terms

Agreement. A written agreement between an employer and an employee organization, usually for a definite term, defining conditions of employment, rights of employees and the employee organization, and procedures to be followed in settling disputes or handling issues that arise during the life of the agreement.

Arbitration. Method of settling employment disputes through recourse to an impartial third party, whose decision is usually final and binding. Arbitration is voluntary when both parties agree to submit disputed issues to arbitration and compulsory if required by law. Advisory arbitration is arbitration without a final and binding award.

Bargaining unit. Group of employees recognized by the employer or group of employers, or designated by an authorized agency as appropriate for representation by an organization for purposes of collective negotiations.

Collective bargaining. A process whereby employees as a group and their employers make offers and counter-offers in good faith on the conditions of their employment relationship for the purpose of reaching a mutually acceptable agreement, and the execution of a written document incorporating any such agreement if requested by either party. Also, a process whereby a representative of the employees and their employer jointly determine the conditions of employment.

Collegiality. Authority and responsibility are shared by faculty, administration, and governing boards in a loosely structured arrangement. The belief that faculty members constitute a group of professional practioners whose skills are so highly specialized that only they are competent to decide who should become part of the group and evaluate each other's performance. Faculty practice autonomy and self-regulation; an environment marked by power or authority vested equally in each of a number of colleagues.

Consultation. An obligation on the part of employers to consult the employee organization on particular issues before taking action on them. In general, the process of consultation lies between notification to the employee organization, which may amount simply to providing information, and negotiation, which implies agreement on the part of the organization before the action can be taken.

Fringe benefits. Term used to encompass items such as vacation, holidays, insurance, medical benefits, pension and other similar benefits that are given to an employee under his employment or union contract in addition to direct wages.

Grievance. A complaint or expressed dissatisfaction by an employee in connection with his job, pay, or other aspects of his employment. Whether such complaint or expressed dissatisfaction is formally recognized and handled as a "grievance" depends on the scope of the grievance procedure.

Grievance procedure. Typically, a formal plan, specified in a collective bargaining agreement, which provides for the adjustment of grievances through discussion at progressively higher levels of authority in management and the employee organization, usually culminating in arbitration if necessary. Formal plans may also be found in companies and public agencies in which there is no organization to represent employees.

Management rights clause. Collective bargaining contract clause that expressly reserves to management certain rights and specifies that the exercise of these rights shall not be subject to the grievance procedure or arbitration.

Mediation. An attempt by a third party to help in negotiations or in the settlement of an employment dispute through suggestion, advice, or other ways of stimulating agreement, short of dictating its provisions.

National Labor Relations Act of 1935. More commonly known as the Wagner Act. Basic federal act guaranteeing employees the right to organize and bargain collectively through representatives of their own choosing.

Negotiating committee. Committee of a union or an employer selected to negotiate a collective bargaining contract (also referred to as a team).

Past practice clause. Existing clauses in the unit, sanctioned by use and acceptance, that are not specifically included in the collective bargaining agreement, except perhaps by reference to their continuance.

Rodda Act. California legislation which extends right of collective bargaining to all employees of California local public school districts, community college districts, and county departments of education; effective July 1, 1976.

Seniority. Length of service with an employer or in one branch of a business; preference accorded employee on the basis of length of service.

Tenure. Right of possession of a position; usually a permanent right to possession of a teaching position except for limited circumstances or events as specified in the law.

Union. Labor organization of employees.

Winton Act. California legislation which extends provision for employers-employees of certain public agencies to meet and confer. Replaced by Rodda Act July 1, 1976.

REVIEW OF LITERATURE AND FINDINGS

The History of Collective Bargaining

Donley provides a broad look at the history of teacher militancy in his book, Power to the Teacher. A review of some of the highlights shows that teacher militancy has been present in the United States since 1880 when eight teachers went on strike in Pennsylvania for higher salaries. Other highlights from his historical review follow:

1. 1857 - the National Teachers Association was formed.
2. 1870's - The National Educational Association (the al was dropped from Education in 1906) was formed through a merger of the National Teachers Association, the National Association of School Superintendents, and the American Normal School Association.
3. 1897 - the Chicago Teachers Federation was formed, although the group was not affiliated with organized labor.
4. 1902 - the Chicago Teachers Federation, which was founded in 1897, officially became an affiliate of the Chicago labor council.
5. 1913 - the first formal call to organize a national teachers union was published in The American Teacher, which later became the official journal of the American Federation of Teachers.
6. 1916 - the AFT, composed of eight unions, was organized.
7. 1916 - the New York City Teachers' Union was organized.
8. 1918 - Memphis, Tennessee teachers went on strike.
9. 1920's - the NEA experienced a period of growth and democratization while the AFT declined about 50 percent in membership; however, the AFT's membership rebounded during the 1930's.
10. 1942 to 1959 - approximately 100 teacher strikes took place.
11. 1959 - the first comprehensive public sector bargaining law was enacted by the Wisconsin legislature.
12. 1961 - the NEA officially embraced collective bargaining, although

it labeled the process negotiations, and called for state legislation to require negotiations. This position, of course, had always been that of the AFT.

13. 1961 - the AFT won a bitterly contested battle against the NEA to represent the teachers in New York City.[3]

This chronology of growing teacher militancy culminated with the signing of the first major collective bargaining agreement between a teachers' union and a board of education in 1962 in New York City.[4] This event was closely followed in 1963 by the organization of the Milwaukee Technical Institute, a two-year institution in a school system that included elementary and secondary schools. The Milwaukee Technical Institute then was the first institution of higher education to be organized.[5]

The first legislation which afforded postsecondary faculty the right to collective bargaining was passed in Michigan in 1965.[6] In 1966, the first four-year institution to be organized was the United States Military Academy. That same year, Henry Ford Community College in Michigan was the first postsecondary institution to go on strike.[7]

By 1976, out of a total of 1,209 community colleges in the United States, 315 or approximately 30 percent had contracts (305 of these were public institutions).[8] By mid-1979, nearly 650 higher education institutions had been unionized.[9]

As can be seen by the preceding discussion, collective bargaining in higher education has had the earliest and widest acceptance among the community colleges. Lombardi states that the 360 (1/3 of the total) public two-year colleges which at present have collective bargaining agreements represent almost two thirds of all postsecondary institutions under contract.[10]

Why this greater spread and acceptance of collective bargaining in the community colleges than in the senior institutions? The causes include those which apply to all of higher education and those which apply more specifically to the community college.

Factors Influencing the Growth and Development of Collective Bargaining

For purposes of discussion I have divided factors influencing the growth of collective bargaining into four areas: external factors, internal factors, characteristics of faculty favoring militancy, and factors peculiar to the community college.

External Factors

External factors have to do with economic and social pressures, unions and union activity, and external agencies and legislation.

A number of writers have expressed the opinion that one of the most important factors which have influenced the growth and development of collective bargaining has been the passage of enabling legislation. First, though, the reasons for the passage of legislation should be briefly examined. In light of the long debate over the appropriateness of collective bargaining in the public sector, how were public sector unions able to convince state legislatures that this legislation was in the best interests of the state? Liebermann summarizes the rationale made to justify public-sector bargaining:

1. Public employees face unique disadvantages in their efforts to obtain fair working conditions. Their employers are taxpayers who far outnumber, and hence can always outvote, public employees on wages and related matters. Bargaining is an appropriate way to remedy this unique disadvantage of public employees.

2. Employees' interests in public personnel policies are much greater than the average citizen's. Bargaining is an appro-

priate way to recognize the fact that public employees are more directly affected than any other group by public personnel policies.

3. Equity requires that public employees have the same rights as private-sector ones. Private-sector employees have bargaining rights. Not to provide the same rights to public employees is to treat them inequitably.

4. Public-employee unions frequently have much to contribute to the operations of a public agency. Bargaining ensures that public employees will have an opportunity to make these contributions.

5. Democratic personnel administration requires that those affected by a policy have an opportunity to express their views about it, prior to its enactment. Bargaining ensures that this will be done.

6. In our society group bargaining power has replaced individual bargaining power as the determinant of who gets what. Bargaining is thus a means to equality since it helps ensure that public employees will not be too weak to protect their interests.

7. The use of arbitrators, mediators, and fact finders is a valuable technique for resolving labor-management disputes in the private sector. There is no reason to think it would not be just as helpful in the public sector.

8. Bargaining will increase the public interest in matters affecting public services.[11]

Carr and Van Eyck found that study groups, legislative bodies, and labor relations practioners were also instrumental in convincing the public and the legislature. They argued that the rationale underlying the civil service concept that governments would treat public employees fairly was not a sufficient basis for denying workers the following basic right: ". . . all workers in a free society should possess the common right and opportunity to use their collective strength to improve their lot."[12]

While not commenting on the merit of the arguments; nevertheless, they were effective, for we witnessed a widespread attitudinal acceptance of public-sector unionism in American society.[13]

The first reflection of this attitudinal change appeared in the federal government. Federal employees were among the first large group

of public-sector employees to gain the right to bargain collectively. In 1962, President John F. Kennedy issued Executive Order 10988 which permitted federal employees to join unions and to bargain with federal agencies over wages and conditions of employment; however, agencies related to national security were excluded. Executive Order 11491, issued by President Richard M. Nixon in 1970, reinforced the concepts of Kennedy's order and established a structure for the administration of labor relations at the federal level.[14]

By 1977 Hankin found that 24 states had passed legislation allowing public employees to bargain with professional community college members, and collective bargaining was also occurring in five other states without the benefit of statutory legislation. Furthur, Hankin predicted that by 1984 three fourths of the states will have passed permissive collective bargaining laws.[15]

In conclusion, Garbarino asserts that the right to organize for collective bargaining through the passage of legislation at the state level is the most important single reason for the present form and growth of academic unions.[16]

A second external factor was the demographic changes and resulting economic pressures. Teachers perceived a need to organize so that they could compete effectively for limited financial resources and the mounting competition for tax dollars in a period of declining enrollments, high costs, and economic downturn. By the end of the 1960's, enrollment drop-offs, inflation, and a depression all jointly adversely affected higher education. As enrollments declined and costs exploded, calls for accountability came from the public and from external governmental agencies. A diminished popularity of education among the government and public occurred

concurrently with a shift in social priorities and the onset of the war on poverty which influenced federal and state funding. Faculty viewed these economically based pressures and concerns as challenges to job security and tenure and thus their concern lent support to the collective bargaining movement.[17]

The third external factor which influenced the growth of collective bargaining was the level and activity of unions and union rivalry. As soon as permissive legislation was passed, teacher organizations and unions were able to immediately press for exclusive representation and for contracts, for these groups were already organized and had a membership. For example, in 1976, 90 percent of all public school teachers belonged to an organization (either the NEA or the AFT).[18] In addition, rivalry was intense, there was a competition for membership among professional organizations and unions, and there was an urgency to be selected as the exclusive representative; and this fevered activity resulted in a domino effect. The teachers' perception that bargaining had produced benefits elsewhere encouraged additional institutions to adopt collective bargaining.[19]

Lieberman asserts that there was also a snowball effect--as collective bargaining spread, it became more difficult for nonbargainers (state legislators and local school districts not in favor of collective bargaining) to hold to their former positions.[20] The snowball and domino theses appear to be supported by the fact that unionization has received greater acceptance in industrial areas that have had a long history of collective bargaining in the private sector.[21] The fact, too, that the NEA and AFT are national associations tended to spread and reinforce collective bargaining acceptance--school districts were urged to imitate collectively

the practices of districts across the nation which were turning to collective bargaining.

Finally, the societal environment added to teacher militancy. There appeared at this time a general authority crisis or widespread societal trend questioning authority. The student riots of the 60's, the civil rights movement and militancy, and rising militancy of teachers is viewed by Hankin to be a manifestation of the desire to control one's own destiny. This feeling, he suggests, propelled teachers to look to collective bargaining to help them achieve this goal, and the questioning of authority movement legitimatized the means.[22]

Internal Factors

Internal factors positively influencing the growth of collective bargaining in higher education are related to the institutional environment and the motivations of the individual faculty members. Two main factors account for teachers' accepting unionization: one, the desire to participate in or effect change in the governance structure of the institution; and, second, the dissatisfaction with compensation.

Kemerer and Baldridge, in a survey of college presidents and faculty, found that the acceptance of unions was the result of a deep and genuine concern over internal issues of governance or internal failures of governance: "The most effective way for faculty to have meaningful influence over decisions . . . on campus is to organize as a group and negotiate collectively,"[23] was the view shared by many. Carr and Van Eyck suggest that faculty view collective bargaining as redressing these two problems of governance: weak or non-existent faculty participation in the governance structure or dissatisfaction reflecting conflict and tension within the faculty over the current power structure.[24]

There were a number of factors which caused faculty to seek greater input in the governance structure. Some institutions were faced with the locus of decision making changing or moving. The local campus was losing authority and decision making to either a multi-campus office or to the state.

Some institutions had a weak or non-existent structure for faculty participation which caused the faculty to turn to unionization. The 1974 Stanford study found that (1) unionized campuses tended to have weak academic senates, particularly in the area of faculty welfare; (2) unionized campuses had faculty who indicated a low trust of administrators; and (3) unionized campuses had faculty showing the least satisfaction with working conditions.

Faculty who were motivated to support unionization because of a desire to participate in campus governance can be classified into two groups: those who had rights and privileges and realized that these rights were unlikely to be preserved by tradition alone (the preservationists) and those who considered themselves deprived and saw collective bargaining as a means to acquire power and benefits (the disenfranchised).[25]

Hankin cites these additional governance-related faculty reasons for unionization: a need to feel that one is treated fairly in work assignments and promotions, a feeling of inadequate faculty involvement in governance, a desire to participate in the allocation of resources, and a reaction to authority which was being wielded in an autocratic manner.[26] Other writers, too, have mentioned the dissatisfaction with governance and other organization schemes on campus, dissatisfaction with the faculty role in governance, the actions of inept administrators, and the threat of students' increased militancy and request for a role

in governance as factors influencing the growth of collective bargaining. Faculty perceptions of their impotence in the governance structure are supported by a 1967 American Association of Higher Education study which found that 25 percent of the U.S. institutions of higher education were characterized by administrative dominance, 50 percent had administrative primacy (with faculty only in a consultative role), and 25 percent sharing authority between faculty and administrators.[27]

In summary, dissatisfaction with the existing governance structure was sometimes directed at external agencies, times at the administration, and sometimes at fellow faculty. This last point should be emphasized: many faculty favored unionization in order to correct the disproportionate power of a small group of senior professors, to change the practices in autocratic departments, and to compensate for ineffective faculty senates or councils. So, the acceptance of collective bargaining in higher education was not always the result of a struggle between faculty and management for power but sometimes between one group of faculty and another group.[28] This last point, however, is less applicable to the community colleges.

A second internal motivator was the faculty's viewing collective bargaining as a means of securing economic gains. Benewitz notes a fear of tenure quotas and a desire to achieve personal job security during an era of cutbacks as a cause.[29] Other writers have also cited inadequate compensation or dissatisfaction with compensation. This desire to achieve economic gains is based on both real economic hardships and on perceived salary inadequacies.

Cresswell compared the average teacher salary to the average annual earnings for all other wage and salaried employees from the period 1929

to 1978. During the depression years (1929-1938), teachers' salaries did exceed the average for other salaried employees. During the period 1939 to 1948, however, teachers' salaries were below the average. Following the World War II period, the general economy increased at a much more rapid rate than teachers' salaries; and, in the most recent years, the relative income of teachers has been steadily, if slightly, decreasing relative to per capita income. As Cresswell concludes:

> This would suggest that, during much of the 70's, teachers' incomes have been losing ground relative to other incomes, and their sense of economic deprivation must, inevitably, be growing.[30]

Teachers, subsequently, have over the major part of the twentieth century received lower salaries, experienced a loss in buying power, and received (in many cases) lower wages than those with less education and less social responsibility.[31]

While Shils and Whittier found that, although there was a positive change in the compensation level of teachers during the period 1960-1965, the average salary level of teachers in 1965 was still less than the average for accountants, attorneys, chemists, engineers, scientists, and federal employees and only slightly higher than for manufacturing employees.[32]

Carr and Van Eyck confirm that compensation dissatisfaction was a factor in the growth of teacher unionization. They found more union activity at those schools whose salaries were below the average faculty salary as published in the annual AAUP salary surveys.[33]

The actual and real inadequacy of teacher compensation was reinforced and strengthened by the salary aspirations and perceptions of faculty. This perception of inadequate wages and desire for higher wages were factors in teacher militancy. As Zoglin states, "The last decade was a period of rising expectations for economic returns.[34]

Many faculty, too, shared a belief that other professions were improving their economic positions at a faster rate than their own and that they were in disadvantaged units within the academic profession (colleagues in other academic institutions were securing greater economic gains); thus, they viewed collective bargaining as a means for recognition of professional status through attainment of salaries comparable to other professions. Carr and Van Eyck feel that that while all faculty expect to receive improvements in salaries, some faculty have higher expectations--these are the ones who perceived themselves as grossly undercompensated when compared to other professions, to salaries at other educational institutions, or to those who are the beneficiaries of a special merit system within the institution.[35] Collective bargaining was the means to redress these inequities.

Characteristics of Faculty Favoring Militancy

Studies of characteristics of faculty having a favorable attitude toward collective bargaining may explain not only some of the external and internal factors mentioned above which have influenced the growth of collective bargaining but are also important as independent factors..

Cresswell found that the variables of sex, age, training, and social and family background were predictors of one's tendency toward militancy.

Men are more militant than women, and more men are members of the AFT while women are more likely to join the NEA (note that the AFT has always been viewed as the more militant of the two). Men are more concerned with economic and status awards and conditions and rewards of teaching. Such concerns appear to be more easily achieved in a collective bargaining environment. Such militancy in the teaching profession

will probably stabilize or increase, as there appears to be an increasing number of men entering the teaching profession.

Younger teachers appear to be more militant. This is probably because they witnessed the gains achieved by militant blue-collar workers and blacks and the successes of militant teachers in the 60's. The young did not experience the effects of the depression and were also initially hired during a period when there was a great demand for teachers so they have feelings of security and less concern about the possibly negative effects of collective bargaining activities. Their formative years coincided with a period of permissiveness so they have a sense of freedom about expression and behavior. The average age of the teaching force, especially in the urban areas, appears to have decreased during the 60's. A concurrent increase in the total teaching population has also resulted in a younger profession.

Teachers with greater education and higher training are more militant. Teachers from upper middle class or white-collar backgrounds are less militant while those from blue-collar or working class backgrounds are more militant. The lowering of discrimination barriers to education, greater access to education for lower income groups, affirmative action legislation, and the large number of teaching vacancies in the 60's have resulted in teachers overall being better trained and have opened up the teaching profession to those from blue-collar or working class backgrounds.[36] All these factors portend a profession of more militant members.

In addition to these characteristics, Smart cites a survey of California State University faculty and states that pro-unionists are members of the Democratic party, espouse liberal or radical political views, are from liberal arts disciplines (especially the humanities and

social sciences), and share a greater research perspective.[37] Smart's study appears to be of less value than Cresswell's in our understanding of why teachers become unionized.

A characteristic related to the finding that younger faculty are more militant is the finding by Hankin that faculty recently finishing graduate school are more militant. He attributes this militancy to their experience in or knowledge of civil rights issues, anti-war demonstrations, and environmental and other causes.[38]

Mortimer and McConnell found tenure status to be an important variable. Non-tenured faculty are more disposed to collective bargaining because they are more threatened by loss of economic and professional security.[39]

Faculty characteristics which are positively correlated with militancy are likely to be shared by members new to the profession. So, it is probable that the faculty tendency to be militant will either remain at the present level or accelerate.

A summary of faculty characteristics which correlate positively with militancy reflects the change in the nature of the teaching profession and societal changes as well. Teachers in higher education are young, better trained, seek professional stature, are more liberal, and represent a wider social background--all factors which have been found to positively dispose one to militancy.

As will be seen in the discussion of factors influencing the growth of collective bargaining in the community colleges, the most important related variables are age and status.

Factors Influencing Growth of Community College Collective Bargaining

All factors which positively influenced the growth of collective bargaining in higher education were also operative in the community college. There are some factors, however, which appear more relevant and peculiar to the community colleges. These additional factors added to the ones previously enumerated probably explain the community colleges' earlier and wider acceptance of collective bargaining. Factors unique to the growth of collective bargaining in the community colleges can be classified into two groups: one relates to the special nature of the institution and the other to the special characteristics of the faculty.

The manner in which the community colleges grew and developed affected the present nature of the institution and resulted in factors being present which are favorable to collective bargaining.

Lahti mentions the institution's lack of tradition and uncharted place in the higher education hierarchy.[40] Jacobs supports this theme. He states that community colleges seem unaware of where they fit in the collegial scheme, and that they are seeking an ideological place in the family of higher education.[41] Garbarino and Aussieker state that faculty unionism is a clear-cut response to the problems resulting from organizational change and growth in the community colleges and the frustrations related to growth.[42]

This rapid growth resulting in large institutions and large systems fostered the formation of a bureaucratic structure and environment. Formal procedures were required and the size of middle management increased. The application of business management techniques in education were counter to faculty's aspirations for professional autonomy. This situation resulted in a tension between bureaucratic principles of organization and

professional aspirations of faculty.[43] Further, Jacobs states that the community colleges adopted rules, policies, and practices from both the secondary schools and from traditional higher education institutions resulting in an unclear or often contradictory set of rules governing campus relationships. The rapid expansion, too, required quick decisions which of necessity bypassed faculty.[44]

The lack of tradition, the rapid growth which mitigated against the establishing a community of interest among the administration and faculty, and the dysfunctions associated with unplanned change resulted in an absence of common goals and a shared sense of purpose. The sense of collegiality and professionalism in the community colleges had little opportunity to develop. It has been found, moreover, that those institutions which are characterized by the least amount of collegiality and professionalism are the most likely to be receptive to collective bargaining.

Therefore, in their quest to gain some input into the governance structure and to provide purpose, meaning, and structure to their work environment, the community college instructor turned to collective bargaining.

The nature of the institution, however, was probably a less important and significant factor than the characteristics of the community college instructor and administrator in explaining the growth of collective bargaining. The community college instructor, as opposed to the teacher in other institutions of higher education, had no commonly accepted definition of his role or status as a professional. There was an apparent nonacceptance of him by his senior colleagues at the four-year institutions. Jacobs concludes that the lower the professor's prestige, the more likely he is to view himself as a professional and to desire to achieve

a mechanism for self-determination.[45] Cresswell found that teachers who viewed themselves as more professional are involved in more conflict (militancy) situations than those who view themselves as less professional.[46] Community college faculty teach at what is considered to be less prestigious colleges, have fewer scholarly achievements, are in the lower ranks of the profession, are untenured, and are younger. All these characteristics have shown a positive correlation to teacher militancy.[47]

In addition, community college faculty tend to be differentiated from other higher education faculty by a number of characteristics. Many of them are former secondary school teachers and were thus more accepting of organizing due to their past experience with teacher organizations. The community colleges also have a large number of vocational instructors who were possibly more union oriented because of their past union membership and acceptance of the union concept through their work experience in industry.[48]

The problems encountered by community college faculty in their present work environment and their previous experiences and orientation thus all contributed to their perceiving collective bargaining as a viable mechanism for resolving their problems.

Another contributing factor to the growth of collective bargaining in the community college is the nature of the administrative staff and structure of the institution. Many administrators came from the K-12 systems and were unable to adapt themselves to the different managerial style required in the community colleges. Their approach was traditional with no provision for faculty input or sharing of authority.[49] The personnel policies and governance structure were patterned after the secondary school system; this practice was clearly unacceptable to former

secondary school teachers who had expectations of the university model of governance and to the other faculty who had no experience with and would, therefore, be less likely to accept the authoritarianism of the secondary school model.[50] In his study of collective bargaining in New York and Michigan, Metzler found that the faculty cited that the major reason for unionization was their being treated as high school teachers rather than as members of a college faculty.[51]

As can be concluded from the preceding discussion, factors influencing the growth of collective bargaining in higher education--such as the desire to participate in governance, the desire for economic benefits, the societal environment, and the passage of enabling legislation--also positively influenced the growth in the community colleges. However, the greater and wider acceptance by community college faculty related to matters unique to their backgrounds, to their motivations and aspirations, and to the institution's structure and governance.

Cresswell hypothesizes that the principle of relative deprivation is related to why teachers organize. He defines relative deprivation as an individual's perception of the discrepancy between value expectations and value capabilities; in other words, teachers perceived a discrepancy between what they desired and their ability to achieve that desire.[52] Teachers, particularly at the community college level, expected certain working conditions, and they concurrently had a perception of their capability to achieve the expected working conditions. As the distance widened between the expectation and the capability, some form of dissatisfaction occurred. The level of dissatisfaction appeared to be high enough to be the root cause of militancy and the acceptance of collective bargaining as the means for dealing with their dissatisfaction.

The next section, then, will review the consequences of this growth and development of collective bargaining in higher education.

Impact of Collective Bargaining

As collective bargaining has been accepted in higher education, there have been a number of effects. It is, therefore, the purpose of the following sections to report the findings of the impact of collective bargaining and to identify some reported problems and difficulties. Collective bargaining appears to have impacted educational institutions in the following areas:

1. faculty-administrative relations
2. participants' roles in governance
3. faculty welfare issues
4. quality of education
5. other institutional costs
6. problem solving and conflict resolution

Faculty-Administrative Relations
Impact, Problems, and Difficulties

Faculty-administrative relations have been impacted through the introduction of a potential adversary relationship, through contract content, and through the grievance process.

Adversary Relationship

There has been much discussion as to whether the advent of collective bargaining will result in an adversary relationship developing between the faculty and the administration. Kemerer and Baldridge feel that collective bargaining may lead to adversary relationships because it brings the differences between administrators and faculty into the open. They see the contract as creating a polarization.[53] As Jacobs also states,

the bargaining process tends to emphasize differences rather than agreement, and this style of thinking may carry over into the day-to-day relations between faculty and administrators.[54] Mortimer and McConnell found that faculty-administrative relations tended to become adversarial under the influence of collective bargaining. A case study at SUNY found the development of adversary relationships--bargaining was viewed as a competitive-exchange relationship. At CUNY, too, they found a tendency toward adversary relations along with exacerbated relationships.[55] Naples found that unions encourage the faculty to believe that an adversarial rather than a professional environment exists.[56]

Many who have watched the negotiation process and the public posturing would also agree that both faculty and administrators or the board appear to be emphasizing the adversarial aspects of collective bargaining.

On the other hand, Kemerer and Baldridge suggest that collegiality will not necessarily diminish and that adversary relations necessarily increase under collective bargaining. They suggest that in those institutions where academic collegiality had been a myth, collective bargaining may promulgate faculty rights and an atmosphere of collegial decision making. Conversely, they suggest that in those institutions that had long histories of shared governance, collective bargaining may weaken faculty professionalism, for they contend that collective bargaining practices are in opposition to academic collegiality. The potential for an adversarial relationship developing, then, is situational.[57]

Nottingham reinforces the situational aspects of adversarial versus collegial relations under collective bargaining. He suggests that school districts appear to change or mature as they gain experience in collective bargaining. Immature districts are characterized by both management and

faculty engaging in destructive acts such as name calling; in non-professional tactics; in inaccurate, incomplete, or misleading statements to the public--probably due to a lack of trust and negative attitudes. Such practices will certainly contribute to the development of an adversarial relationship. In mature districts, however, both sides act in a professional manner, acknowledge the right of each to exist, and recognize that each is better when both are strong. Such practices will probably contribute to a cooperative rather than an adversarial attitude.[58] Nelson and Robson suggest that if parties desire it, they can move from adversary to advocacy positions. Then the process can be positive, for where adversaries oppose or resist each other, advocates defend a certain position or cause.[59]

The presence or absence of an adversary relationship, therefore, is largely dependent upon the attitudes and practices of both parties, and these attitudes and practices have the potential to become more positive as the parties mature in their relations or gain experience in the process of collective bargaining. So, while collective bargaining relationships usually tend to be adversarial, it has been found that the process in and of itself need not be so.

Contract Content

Secondly, faculty-administrative relations have been affected through the content of the content.

Angell found consultation required on academic decisions, contractual controls of workloads, guarantee of academic freedom, increased communication between faculty and administration, shared responsibility for selecting administrators and supervisors, management rights more clearly stated

in contracts and in legislation, faculty responsibility and duties as well as rights more clearly delineated and limited, and more responsibility placed on faculty for determining specific levels of professional conduct.[60] Garbarino and Aussieker found more explicit and more detailed procedures, more records of meetings, and more reviews.[61] Kemerer and Baldridge found that individuals were no longer able to negotiate on their own; personnel policies no longer informal but highly specified, clearer, and more fair; pressure toward uniformity; conflict between majority rule and professional status; specification of role relationships; and establishment of channels for conflict resolution.[62]

McDonnell and Pascal found growth of teacher influence in the classroom, increased teacher influence over who will do what functions, authority over kinds of people who will supervise them, and reduced latitude for administrators in staffing and policy making.[63]

As a result of the content areas which have been negotiated into contracts, unions are more involved in areas of decision making that were formerly exclusively the province of the administration or board. The content areas, in many cases, involve major policies and practices and their inclusion as subjects of collective bargaining may result in greatly changed institutions. The potential exists for positively or negatively impacting programs, budgets, teacher quality, and other matters depending upon how the sides chose to exercise their prerogatives and the subject areas each side chooses to have the major voice on.

Grievance Process

Finally, the grievance process and procedures affect faculty-administrative relations and possibly the governance structure. Naples sees the

grievance process acting as a negative force. He suggests that management loses real and apparent authority through grievance challenges of contract interpretation. Over a period of time, he suggests that management experience a diminution of power as a result of slowness or lessened incentive to take action and make decisions because these actions and decisions are subject to challenge through the grievance process.[64] Mortimer and McConnell also suggest that formal grievance procedures may have an adverse impact through the possibility of arbitrators, who although lacking experience and knowledge of the academic environment, ruling on and/or overturning decisions related to academic matters.[65]

Other writers, however, view formal grievance procedures as having the potential for positive impact on faculty-administrative relations. Hankin suggests that the third party involvement lends objectivity to decisions. Such third parties, he states, of necessity must gather and weigh evidence and presumably arrive at objective conclusions.[66] Yet, Diday sees the presence of third parties as possibly a problem. He cautions that one side often is able to win in arbitration what they could not win in negotiations.[67]

Richardson views the grievance process as a means by which faculty can expose the inequities and lack of good judgment which the non-professional administrator often displays.[68] Duane suggests that grievances serve as aids in discovering and eliminating sources of faculty disquietude. He suggests using grievance data analysis to recognize and manage organizational policy problems, to correct clumsy procedures that need streamlining, and to identify problem subunits within the organization.[69]

Perry, in addition to Hankin, Richardson, and Duane, sees the grievance process as having a positive impact on faculty-administrative relations.

He suggests that it provides the parties with machinery to resolve disputes relative to contract language and intent, it can be employed as a means of communication especially at the informal level where faculty can air grievances, it can assist management in identifying future union objectives, and it can assist management in discovering contract language that has had an adverse impact on institutional management.[70]

It would appear that the grievance process, when properly understood and used, can make a significant contribution to facilitating and improving faculty-administrative relations under the constraints of collective bargaining.

Participants' Roles in Governance Impact, Problems, and Difficulties

It would appear that the major impact of collective bargaining has been in the area of campus governance and the changed roles of participants in the governance process. The following sections will review the effect of collective bargaining on the governance roles of management, faculty, faculty senates, governing boards, and students.

Management Role

The role and responsibility of management appears to have altered as a result of collective bargaining. Contracts and collective bargaining inevitably result in increased rules and regulations. While Garbarino and Aussieker conclude that this increase will cause administrators to lose flexibility and autonomy, others might say the rules and regulations will decrease capricious decision making.[71] The formalizing of procedures and proliferation of rules have the potential for preventing inequities and unilateral decisions but may also result in increased bureaucracy.

While clear rules and procedures will probably result in business-like, standardized administrative-faculty relations, there is a possibility that rigidity and formalization will increase.[72] Administrators who "rule by the book" may tend to exercise less initiative and feel constrained to make decisions which would have to be rationalized.[73] The codification of rules and procedures, the need to justify and document actions, and the requirement for consultation will have a positive impact on treating all employees in the same manner. On the other hand, this leaves no possibility for dealing with special situations requiring special solutions, making quick decisions when called for, moving decisively in a crisis, or exercising discretion. What faculty see as protection from paternalistic and authoritarian management, administrators will view as unnecessary constraints on authority and loss of efficiency.[74]

Lombardi suggests that with so many policies and procedures spelled out, administrators may find their role as ministerial only--they merely carry out the decisions made during negotiations.[75] Such possible loss of authority and responsibility may affect administrative morale--they may feel emotionally isolated in their jobs, experience less effective personal relations with faculty, and not feel part of an administrative team contributing to the management of the institution.[76]

Depending upon one's frame of reference, this altered management role in governance may be viewed as having a positive or negative impact on the institution. Clearly the evaluation is dependent upon the past administrator-faculty relations at the institution--institutions with a previous history of authoritarian leadership will be positively impacted while those at the other end of the bureaucratic-shared authority continuum will view the changes as negative.

Faculty Role

How has the faculty role in governance been affected? Most writers agree that the faculty will tend to play a more important role in college governance under collective bargaining.[77] This is particularly true for those institutions that prior to collective bargaining lacked a tradition of shared governance. Garbarino and Aussieker reviewed three studies conducted by other researchers. Two of these showed that faculty participation in campus governance was significantly advanced and made more important by collective bargaining; the third study in Michigan showed increased faculty participation in faculty welfare and employment issues. Yet, Garbarino's own Carnegie Commission study appears somewhat contradictory. In his survey of both unionized and nonunionized colleges, he found a high level of participation for both types of campuses in academic matters. Nonunionized campuses had a significantly higher level of participation on decisions relative to staff size of disciplines and in building and expansion programs. Unionized campuses showed a particularly more significant role on faculty welfare matters. Garbarino thus concluded that the overall level of participation in governance for both unionized and nonunionized colleges is the same; the difference appears to be in the emphasis of their influence.[78] Garbarino's study and findings, therefore, appear to contradict the three studies that he reviewed. Perhaps this contradictory finding can be explained by the limited sample in the first three studies and by the fact that the nonunionized campuses were satisfied with faculty welfare matters but the unionized campuses sought collective bargaining as a means of correcting their dissatisfaction with the state of faculty welfare matters.

Again, the evaluation of the impact of collective bargaining on

faculty participation is situational--faculty members who previously had little or no influence may gain; faculty members who had important input through existing governance structures or through individual influence may lose; and faculty union members will probably tend to gain influence over the long run.

Faculty Senates

The third group whose role in faculty governance has been affected through collective bargaining are campus faculty senates, the major vehicle for faculty participation prior to collective bargaing. The extent of the impact is difficult to ascertain as the reported findings are contradictory or inconclusive. As Mortimer states:

> There is probably evidence or an incident to illustrate whatever case one wants to make about the relationship between senates and/or faculty governing structures and collective bargaining.[79]

Kemerer and Baldridge feel, however, that as unions mature, they may challenge traditional senate prerogatives.[80]

The contradictory findings and opinions are apparently due to situational circumstances. Garbarino and Aussieker state that the impact of collective bargaining is dependent on these variables: the prior role and strength of the senate, the attitude of the union, the administrative practices and attitudes, the homogeneity or comprehensive nature of the faculty in the union, and the size and organizational structure of the educational system.[81] They found no reports of the elimination of senates following the establishment of collective bargaining but did find evidence in some cases of a reduced role in some areas.[82]

Mortimer and McConnell are more specific in explaining the effect of the variables. They formulate these hypotheses on the impact of collec-

tive bargaining on the role of faculty senates:

1. If unionization is a response to high levels of intra-faculty conflict, senate influence will diminish.

2. The broader the bargaining unit, the greater the diminution of senate influence.

3. The broader the scope of bargaining, the greater the diminution of senate influence.

4. The viability of senate influence under collective bargaining is directly related to its viability before collective bargaining.

5. The senate and the union will be mutually supportive when the senate has a tradition of effective operation and there is relatively little conflict between faculty and administration.

6. The greater the administrative interaction with and positive attitude toward the senate, the less likelihood that senate influence will diminish.[83]

As can be seen by the preceding discussion, there is no definitive answer to the question: To what extent has collective bargaining impacted the role and function of the faculty senate? The answer will depend on the particular institution at a particular time.

Governing Board's Role

The role of governing board members have also been impacted or have the potential to be impacted by collective bargaining. Whether the role of trustees, county, and state officials change under collective bargaining appears to depend on situational factors.

Kemerer and Baldridge see the power of higher-level administrators increasing and the resultant diminishing of administrative power at lower levels.[84] Carr and Van Eyck claim that the authority and influence of the school's governing board will expand. They claim that without collective bargaining, the board normally delegates many decisions to the administration, but with collective bargaining the board is forced to make deci-

sions on how much it is willing to give up during bargaining and on what it will bargain. The board of necessity sets the negotiation guidelines because it is the party that has the final responsibility for accepting the contract and the terms that have been negotiated.[85]

On the other hand, McDonnell and Pascal see a possible loss of influence of the governing board if organized teachers target their lobbying at the state and federal levels in hopes of "leveling up" the control over some aspects of collective bargaining and in particular school finance. They suggest that this political activity has the potential for weakening the responsibility and autonomy of local school boards.[86]

Angell suggests that the campus administration and/or board will lose authority as a result of county or state legislation or to county and state executives. He even goes so far as to speculate that the faculty will try to negotiate directly with government officials.[87] Zoglin agrees that collective bargaining may result in external intrusion into what were formerly purely campus matters. She states, however, that the type and degree of intrusion will depend upon the legal structure of each of the states. She does feel that the county or state government will inevitably take away some board power and some management power.[88]

Kemerer and Baldridge, in their 1979 study, conclude that ". . . power continues to flow off campuses, mainly to state legislatures and executive agencies, in much of higher education with collective bargaining a major contributing force."[89]

The variables, then, affecting the potential shift of the locus of decision making are the attitude of the administrators, the board, and state and federal officials; and the organizational structure of the educational system. It appears, however, that there is a likelihood for

decision making to ultimately rise to the top level of the structure. Again, the extent of any shift is situational and will probably remain fluid as all levels gain additional experience. No conclusive evidence or generalization can be found at this time. A concern remains, however, that if the locus of decision making moves too far away from the public it serves, the local control and accountability which has served education so well in the past may be jeopardized. The cherished concept of local control of education may be lost as a result of collective bargaining practices.

Student Role

Finally, how has the role of the student been affected by the advent of collective bargaining? Relatively little attention has been given to this question. First, of the 24 states with collective bargaining legislation for higher education, only three--Maine, Montana, and Oregon--provide an official role to the student in the negotiation process.[90] Carr and Van Eyck see decreased student power, as a result of collective bargaining, on those campuses where students had previously gained some role in governance. They suggest that students probably gained input through membership on campus committees and bodies and that normally collective bargaining diminishes the influence of campus groups.[91] So, any influence the students had gained through existing governance structures may well be lost when collective bargaining is adopted.

Yeaky and Johnston find some evidence that neither teachers nor administrators are concerned with protecting student interests.[92] Thus, because there is usually no provision for the role of students in contracts and because there is some evidence that existing campus groups lose influence,

one may conclude that the participation of the student will tend to diminish on unionized campuses.

In conclusion, the evidence of the impact of collective bargaining on faculty-administrative relations and participants' roles in governance is tentative. Whether one evaluates the impact as being positive, negative, or neglible depends on one's frame of reference. It can be said that what one side loses in flexibility and authority, the other side gains in protection from arbitrary power and decision making. There is little doubt that collective bargaining has codified procedures and rules, clarified faculty areas of participation and rights, and emphasized and perhaps restricted management's areas of responsibility and decision making. As a result of these changes, we have noted the impact and some difficulties and problems in these two areas. Finally, one researcher suggests why the answer to the question of the impact of collective bargaining on governance is so elusive:

> It is methodologically almost impossible to isolate the impact of collective bargaining from a variety of other social forces that are related to changes in governance structures and processes.[93]

Faculty Welfare Issues
Impact, Problems, and Difficulties

The second area of greatest interest on the impact of collective bargaining has been that of faculty welfare. How has collective bargaining affected job security, tenure, and faculty compensation?

Many writers have noted the leveling effect that collective bargaining has on salaries. Where there were wide salary differences within the system, Tice noted that these differences were lessened or had been removed.[94] Garbarino and Aussieker also state that unions tend to equalize

wages.[95] Angell did an analysis of the rise in unionized community college salaries and compared them to increases in civil service salaries, four-year college salaries, and cost of living indices in 1968-1971. He feels that there were some spectacular gains for community college faculties and these have been caused at least in part by collective bargaining.[96] Carr and Van Eyck also feel that evidence suggests significant gains in community college compensation, although they acknowledge the difficulty in measuring the amount of the gain.[97] Chambers, using a statistical model to study salaries in California and Missouri, concludes that collective bargaining created salary gains of 8-17 percent in California and 14 percent in Missouri.[98]

Angell noted unusual gains in obtaining fringe benefits in the institutions he studied.[99]

However, Garbarino in a careful comparison of compensation and salaries for unionized and nonunionized community colleges for 1965-66 and 1972-73 found interesting results but inconclusive effects of unionization on money compensation and money salary. In other words, he was unable to scientifically determine if collective bargaining does result in salary gains.[100]

Mitchell et al. claim that after early adjustments are made, public sector bargaining does not have a substantial impact on employee compensation levels.[101]

To compound the confusing findings on the effect of unionization on compensation as listed above, we review Staller's study which examined the impact of unionization and collective bargaining on the compensation and workloads of community college faculty members. He used 1970-71 data from 263 community colleges in his study. He argues that compensation is

a function of six supply variables and cannot be explained by collective bargaining alone. His six variables are: the size of the full-time equivalent enrollment at the institution, the student-faculty ratio, the average starting public school salary of a teacher with a master's degree, the existence of a collective bargaining agreement, the percent of faculty in the sciences, and the percent of faculty possessing a Bachelor's degree. He found that unionization appears to have raised compensation primarily through its impact on increasing the value of employer contributions to fringe benefits. He also found that while unionization did not have a significant effect on salaries, it did appear to reduce significantly the relative teaching load.[102]

In other studies, however, where it has been found that there were apparent gains in compensation, there appeared to have been no evidence of a tradeoff resulting in increased faculty workloads and productivity. In fact, Perry found in unionized districts, evidence of less productivity: a shorter workday, a minimum school year, and no change in class size.[103]

The conflicting findings of the impact of collective bargaining on compensation are undoubtedly due to the researchers' failure to control or account for variables and, perhaps, the difficulty in finding comparable unionized and nonunionized colleges to use as control and experimental groups.

In addition to compensation, collective bargaining usually includes negotiations on job security and tenure provisions. There is some evidence that teachers have achieved gains in job security and in tenure. Kemerer and Baldridge feel that tenure by default may become the rule because of the content of some of the contracts they have examined. They feel that unions tend to diminish the effect of the peer evaluation process and to

provide legal and procedural barriers behind which incompetency can hide. They suggest that the union's demand for due process, for specific criteria for evaluation, and for appropriate reasons for nonrenewal or dismissal will so tie up the system that effective administration of personnel decisions will be impossible, and faculty will be retained and achieve tenure where they would not under a less restrictive and less prescriptive system.[104]

Swift has concluded that collective bargaining does result in greater mediocrity in faculty performance.[105] His conclusion is supported by the findings of

1. Jacobs who found that although administrators had the responsibility for faculty performance had limited authority to carry out this duty;[106]
2. Naples who could find no allowance for individual incentives to excel because seniority rather than performance or vitality appeared to be the criterion for opportunities and rewards;[107]
3. McDonnell and Pascal who also found seniority to be the major criterion for decisions about transfers and reduction in force.[108]

Finally, Garbarino argues that while tenure may not necessarily be weakened, it will be extended to greater numbers because the unions will present formidable obstacles to termination through the requirement of due process.[109]

It is probable that as unions move beyond the purely economic issues, job security which includes provisions for evaluation, hiring, retention, and due process will receive increased attention. This increased attention will probably result in standardized, specific, and objective criteria which can usually single out only the clearly incompetent. Personnel policies which are geared for the majority normally do not encourage excellence. While teachers do need to be protected from unfair personnel policies and practices, this protection too often may result in an inability

to rid the system of mediocre and incompetent faculty. Clearly, unions have focused efforts on compensation, job security, and tenure issues.

No generalization can be made based on existing evidence whether there have been overall significant gains in compensation. However, faculty appear to have benefited from increased job security and less stringent tenure policies. Finally, we will probably see a continuing leveling effect on the quality of teaching, for unions normally favor personnel policies that treat all employees alike.

Quality of Education
Impact, Problems and Difficulties

In reviewing the impact of collective bargaining, surely its effect upon the quality of education should be studied. In general, little has been written on this aspect.

McDonnell and Pascal hypothesize that collective bargaining has probably not yet significantly affected classroom operations or services delivered to students. In other words, there has probably been little effect on teaching methods and relations with students. Neither do we know whether rate of learning or other student learning aspects have been affected.[110]

In the area of teacher work responsibilities, there appears to have been some impact. Mitchell et al. claim that collective bargaining has substantially affected the definition of teachers' work responsibilities. There appears to have been a distinction made between regular and extra duties and a conclusion that extra duties are tasks that teachers can choose (or not choose) to perform.[111] Naples, too, feels that out-of-class and/or extra duties are less likely to be performed. He found that unions appear to discourage teacher's volunteering for any experimental

efforts related to improved performance and to encourage members to "work to rule."[112] Contract requirements, then, in the area of work responsibilities, tend to be interpreted as maximum work expectations by teachers.[113]

Even if faculties' work responsibilities do not decrease, as suggested above, both faculty and administration appear to not view the process as an appropriate vehicle for influencing the quality of education. For example, Wollett could find no contracts that included specific concern or provision for the quality of service provided to students.[114]

Finally, if collective bargaining is rather conservative in thrust and oriented toward the preservation of the status quo, as Carlton and Johnson suggest, then the atmosphere required for change and innovation to meet new educational goals may eventually dissipate.[115] It may be increasingly difficult to count on the cooperation of teachers in pursuing the school or district's goals or plans for change. If managers, as a consequence of collective bargaining, lose the ability to respond to new circumstances because they are unable to elicit teacher participation, then surely the collegial atmosphere of professionals working together to improve the performance and vitality of programs and faculty performance will cease to exist.

Perhaps the 1976 Gallup poll conducted in California that found that people who thought unionization had helped the quality of education were outnumbered 533 by people who thought unionization had hurt is an accurate perception of the impact of collective bargaining on the quality of education.[116]

If educators (both faculty and administrators) are to continue to receive the financial support of the general public and government agencies, then the parties engaged in collective bargaining will need to

demonstrate that they are interested in more than governance, authority relationships, and compensation. Contracts will need to address the issue of quality education through attention to improving performance and programs.

Other Institutional Costs
Impact, Problems, and Difficulties

While most researchers in the field have been concerned primarily with the effect that collective bargaining has had on compensation and salary, there are other costs that need to be looked at. As Nelson and Robson suggest, the costs of collective bargaining involve more than increased teacher salaries and compensation.[117] Garbarino found the following costs related to negotiations and contract management: additional internal staff, more outside professional help, a great deal of staff time devoted to gathering data in preparation for negotiations and to contract administration, and greatly increased expenditures associated with promulgating and administering procedures.[118]

Clark agrees that collective bargaining increases administrative costs. He cites time away from the office during negotiations and additional time required to train middle and lower management in the administering of contracts and in the handling of grievances.[119] McDonnell and Pascal suggest that contract provisions for noncompensation items such as seniority and faculty-student ratios may result in an overall older or larger faculty force with overall higher personnel costs.[120] Mitchell et al. found that teachers viewed fringe benefits such as sick leave as accrued supplemental income which has resulted in increased absenteeism.[121] Such absenteeism also increases costs.

Kerchner studied costs of collective bargaining in California school districts. He reviewed a study that reported 1977 costs of collective

bargaining--exclusive of salary, fringe benefits, and workload changes--range from approximately $6,000 to over $210,000. Kerchner's own detailed study of three southern California school districts found that costs fell within a range between $64,000 and $100,000 for the year ended June 1977. He suggests that the difference between the findings of the first study reported and his own may be due to the fact that the first study requested information on only additional costs related to the Rodda Act and did not include costs which were already being expended for the Winton Act and that his on-site interviews probably uncovered expenses that the mail survey of the first study missed.[122]

Kerchner suggests that in assessing the process costs of collective bargaining these three types of costs be included: direct costs, funds actually expended in negotiations and contract administration; implied costs, the application of existing personnel resources to negotiations; and opportunity costs, the value of activities foregone while time was being applied to labor relations. Note that he does not include costs such as salaries, fringe benefits, or other faculty-related compensation items.

Clearly, the process costs of collective bargaining have impacted the budgets of educational institutions to a significant extent and beyond that of matters related to faculty compensation. This is an area which requires additional study with the goal of seeking means to control these costs of negotiation and contract administration.

Problem Solving and Conflict Resolution Impact, Problems, and Difficulties

As the last area in our review of the impact of collective bargaining, we are suggesting that the process has the potential for enhancing

orientation is collaborative, working toward mutually acceptable solutions, the conflict will be constructive.[129]

Attitudes and strategies developed at the bargaining table, therefore, have an impact on the institution long after a contract has been signed. The opportunity exists for the positive communication and collaborative efforts to continue long after bargaining is concluded. Unfortunately, this positive scenario appears to be the exception rather than the rule. Few districts have moved away from the adversary and competitive I win-you lose or I lose-you win posture which is usually displayed during negotiations and have failed to view collective bargaining as a most effective mechanism for problem solving and conflict resolution.

campus problem solving and conflict resolution. It has been suggested that productive communication and problem solving, exchange of information, and altered attitudes can result from the process of negotiation. Hankin feels that the accumulating and use of bargaining books, background documents, and both external and internal data puts the negotiating process on a businesslike footing and allows for meaningful exchange of information.[123] Fellows found that the most important information that can be shared during negotiations is knowledge of the resources available to run the organization.[124] Mitchell et al. agree that negotiating plays a well-documented role in helping both managers and employee groups to adjust emotionally to the economic facts of life. There is a real opportunity to bring employee aspirations into line with financial realities.[125] In addition to the sharing and exchange of information, collective bargaining can also provide the environment for problem solving. Nottingham sees the bargaining table as the place to introduce and discuss strategies for change or improvement and for reconciling of issues.[126] Other writers also see the bargaining process as an efficient vehicle for both clarifying problems and bringing them under control.[127] The potential for problem solving is enhanced during negotiations if both parties coordinate their effort and talent to concentrate attention on a wide range of problems.[128]

Finally, it is suggested that collective bargaining can be a healthy decision making process for dealing with conflict. Birnbaum particularly notes that academic bargaining as a form of conflict management can be positive or negative, constructive or destructive. He notes that if a group brings to the bargaining table an orientation towards competition or compromise, the conflict will be destructive. If, however, the group

SUMMARY AND CONCLUSIONS

Collective bargaining in higher education in general and the community colleges in particular has generated a great deal of literature, some limited research studies, and a few extensive research projects. Educators have a tremendous interest in the possible impact of collective bargaining on their work environment. Many have realized the potential that collective bargaining has for altering the institution. They want to know about the experiences at other educational institutions so that they may avoid some of the problems and negative effects and profit from the activities which have generated positive outcomes and advantages to the college community.

A review of the history of collective bargaining begins in 1857. We noted that early teacher militancy was present at primarily the K-12 level. In the late 1950's, the real growth and acceptance of teacher unionism occurred. The period 1959 - 1965 marked the beginning of the form of collective bargaining as we now know it--a comprehensive public sector collective bargaining law was passed in Wisconsin in 1959; the first two-year institution was unionized in 1963; and in 1965 the first legislation giving postsecondary faculty the right to collective bargaining was enacted. In the latest available figures (1979), nearly 650 higher education institutions have been unionized--the larger number of these being the public community colleges.

We viewed the factors influencing the growth of collective bargaining and found that the passage of enabling legislation, the general nega-

tive economic factors, and the rivalry of teacher and union organizations were significant external factors. Factors internal to the faculty were a desire to continue or expand participation in the governance structure and an equally strong impetus to achieve faculty welfare and economic gains. The apparent change in the character of the teaching staff--males, younger, lower professional rank, blue-collar or working class backgrounds--contributed to an acceptance of unionism. Finally, the community colleges appeared to be especially amenable to collective bargaining. Factors within the institution--resulting from newness, rapid growth, and dysfunctions associated with change--and the special nature of the faculty--lack of identity, secondary or vocational school orientation, young, untenured--all contributed to the community college faculty's perceiving collective bargaining as a means to achieve meaningful participation in the governance structure.

The impact of collective bargaining on faculty-administrative relations, management, faculty, faculty organizations, governing bodies, and students was reviewed. It is difficult to derive conclusive generalizations as to whether collective bargaining has had a negative or positive impact, although there has definitely been an impact in terms of some alteration of the institution and the roles of the various groups. The evaluation and findings will differ, however, depending on one's frame of reference; the history, culture, and social forces of the institution; the amount of time that the institution has engaged in collective bargaining; and the skills and attitudes of both union members and administrators.

Management has probably experienced diminished latitude, scope, and discretion. Faculty have probably experienced less arbitrary, unilateral, and capricious administrative decision making. Faculty have

probably gained some additional power through the union, and faculty senates have probably overall been little affected. Governing boards have lost or gained power depending upon the role they choose to play in negotiations and depending upon whether they are part of a state system. The only firm conclusion that can be drawn is that students are the most vulnerable group in terms of possible diminished power.

There has been much conjecture as to whether collective bargaining creates adversarial positions. It would appear that there are many instances of such an attitude developing. Again, however, there exists a small number of cases where collective bargaining did not create any polarization. The variables appear to be the maturity of the district (those districts that have engaged in collective bargaining over a longer period of time and have benefited from their early adversarial experience), the skill of the participants in negotiation, and the attitudes of the parties. So while it may be concluded that the majority of collective bargaining faculty/administrative relations are characterized by negative conflict and adversarial relations, this prevalent situation may alter as districts gain experience and realize the benefits of attempting to bargain in a collaborative or advocacy manner.

The processes of collective bargaining--negotiations, contract administration, and grievance procedures--have a continuing impact on faculty-administrative relations. Most studies have shown that this effect initially is negative, but as districts gain experience, change attitudes, and realize the possibilities, these processes of collective bargaining have great potential for positively impacting the institutions by creating an environment conducive to collaboration, problem solving, and conflict management.

While there is not yet substantive evidence to ascertain the impact of collective bargaining on the quality of education, there is some evidence that contracts have secured faculty rights in the areas of work responsibilities, classroom control, and job obligations. It is concluded that thus far faculty have gained greater autonomy and management has lost authority in directing the work force. There appears to be the potential for an environment to develop which will reinforce the status quo and mitigate against experimentation, change, and innovation.

Collective bargaining appears to bring with it costs in addition to faculty compensation items. These costs are significant, particularly in light of the fiscal constraints and possible deficits facing the public school systems. Certainly it is to the advantage of both management and faculty to become aware of the nature of these costs and to devise methods to minimize them.

Finally, collective bargaining does seem to have impacted positively, if one is a faculty member, compensation, job security, and other matters of faculty welfare. On the other hand, what faculty have viewed as improvements in job security--tenure, evaluation procedures, and due process rules--others have seen as the basis for an eventual erosion in the overall quality of the teaching staff. There has been expressed the fear that the job security rights mostly protect the incompetent. Again, much of the apprehension on the possible effect of collective bargaining on the quality of the teaching staff is still conjecture and has yet to be validated by research.

Conclusions

Some very tentative conclusions may be drawn from the results of the review of literature and findings. They are:

1. Faculty-administrative relations have been impacted. The negotiations process has probably created an adversarial relationship but has the potential for resulting in collaborative relationships. Contract content has altered the faculty-administrative relations, and the grievance process has the potential for positively impacting future relations.

2. Participants' roles in governance have been affected. There is little doubt that the roles of management, faculty, faculty senates, governing bodies, and students have altered. Certainly, each group's role definition has changed with the greatest shift probably in the authority flowing away from management toward faculty.

3. Faculty welfare items appear to have been affected, and faculty have generally benefited by these changes. There have been some compensation and job security gains; however, there is the possibility that the overall quality of teaching may diminish.

4. The quality of education in general appears to have not yet been impacted by collective bargaining, but there is a potential for a negative impact, particularly should faculty decrease their overall efforts in the areas of teaching responsibilities and duties.

5. Other institutional costs have undoubtedly increased as a result of collective bargaining; the extent of these costs vary among districts.

6. Problem solving and conflict resolution may be positively impacted provided both management and faculty recognize and take advantage of the potential.

In summary, these two generalizations by Kemerer and Baldridge probably currently reflect a consensus among students of collective bargaining:

> . . . the most important positive outcome of faculty unionism will be the extension of faculty rights and governance

> opportunities to institutions that lacked such professional procedures.
>
> The major negative consequence of faculty unionism may be a protectionist, job-security orientation that could thwart personnel policies so that imcompetency is protected and seniority, not merit, becomes the main decision-making criterion.[130]

It appears logical that those two areas cited above would be the ones that would be most affected if we recall that the factors most influential in the growth of collective bargaining were faculty's interest in increasing their role in governance and in improving their compensation and security job security rights.

This investigator began the study of collective bargaining in anticipation of finding evidence of positives and negatives, advantages and disadvantages; in anticipation of deriving firm conclusions; and in anticipation of arriving at some firm generalizations. What was learned, as the scope of the review progressed, is that any findings are only tentative and are not supported by any substantial research. The literature contains many examples of isolated educational institutions or single systems where the overall impact of collective bargaining has been positive; similarly, others where the overall impact was negative; and, finally, some where the overall impact was insignificant. But, upon synthesizing the diverse findings, one cannot arrive at any overriding preponderance of negative or positive impact. The answers await further study and research.

There were, however, a number of major problems and difficulties identified and are listed below:

1. the need to balance management's authority to act and faculty's right to participate in governance,
2. the need to guard against the development and/or continuance of an adversarial relationship,

3. the need to insure that collective bargaining makes provision for maintaining the quality of education and excellence in teaching,

4. the need to provide for effective contract management and for contract administration,

5. the need to control the indirect costs of collective bargaining, and

6. the need to insure that the interests of all parties' interests are protected--especially those of the student and the public.

Finally, although there is no paucity of literature on the topic of collective bargaining, the findings and conclusions appear contradictory, inconclusive, confusing, and unreliable. The most valuable reports are those that are research based; that are longitudinal in nature; that included in-depth, on-site visits and interviews; and that prefaced its findings in light of the peculiarities of the institution(s) studied. Clearly, additional studies of the nature cited above are needed to test the validity and reliability of the hypotheses, conclusions, and findings of some of the earlier studies. It is hoped that future writings in and studies of collective bargaining become more scientific and data based and less theoretical and conjecture based.

RECOMMENDATIONS AND STRATEGIES

The recommendations which follow are those which appear in the literature and are intended to remedy the problems and difficulties which have been identified and reported as a result of the onset of collective bargaining. They deal with (1) the process of negotiations and bargaining table strategies, (2) contract wording and content, (3) contract administration, and (4) miscellaneous recommendations.

The Process of Negotiations and Bargaining Table Strategies

The skills, attitudes, and knowledge of the negotiating teams appear to be extremely important. It has been suggested that an adversarial relationship will have less chance of developing if the teams

operate from a knowledge base. There should be professionals on both sides, knowledgeable in labor law and in the special attributes of academia in general and the educational institution or system in particular. Both sides should prepare for negotiations by extensive reading to learn the norms or processes of collective bargaining; by gathering pertinent, technical research and data; by determining the goals, purposes, and priorities of the other side; by assessing its own goals and priorities and--as some suggest--attend workshops conducted by third parties to be trained in the psychology and politics of bargaining.

watch attitudes at the bargaining table. Each team should accept the reality of collective bargaining, show respect for the legitimacy

of the opposing party, protect the other side's self-esteem, realize the need for a problem-solving, collaborative attitude, control emotions, accept all demands as legitimate and respond to them in a timely fashion, share and exchange information, and do not take demands to the public. In other words, if some degree of trust is established, there will be good-faith bargaining on both sides and an environment where the conflict is constructive. In particular, management and governing boards must accept that collective bargaining is here to stay and make the proper psychological adjustment.

devise appropriate bargaining table procedures and strategies. It has been suggested that bargaining occur at a neutral site. Both sides should agree beforehand upon procedures and ground rules. If possible, the parameters for negotiation should be established at the onset. A system for external and internal communication should be devised. During negotiations, it appears that timing and the sequence of the discussion topics are important. It is also suggested that each side be prepared with a strategy of concession and that each side should expect compensatory action in return for concessions. Both sides should analyze the consequences of decisions or concessions on policy and school operations. Lastly, it is suggested that there be developed a strike plan.

A final area of the process of negotiations deals with the matter of student and public interests. A number of ways have been suggested by which the interests of concerned parties such as students and the public can be protected. First, both management and labor need to accept the legitimacy of public/taxpayer/student interests and make some provision for reviewing these interests.

Some people have suggested the adoption of a form of trilateral

bargaining or open negotiations. In trilateral bargaining, the students and/or public participate in negotiations, either as observers, as third parties, or form a coalition with management. A second suggestion is that all negotiations be open and public. A third suggestion by which provision for other party interests may be included is that both parties, management and faculty, actively seek student and community input.

Contract Wording and Content

The wording and content of the contract have the potential for clarifying and balancing management's authority and faculty's right to participate in governance, for effecting quality education and teacher excellence, and for protecting the students' and public's interests. It is suggested that if these items are a concern, then they be included in the contract.

The importance of clear, precise wording and language and some operational definitions of terms cannot be overemphasized. The need to steer clear of vague, ambiguous language as a compromise position is important. Finally, careful minutes of both sides' agreement as to the precise meaning of the contract language will avoid future problems.

The ambiguity between faculty and management rights can be remedied if the contract addresses the matter of governance, specifies role relationships, and there is a mechanism (procedure) in the contract for establishing channels for clarifying role relationships. In the matter of providing for quality education and teacher excellence, the administration must insist that high standards of educational service and provision for change be established in exchange for meeting union demands. Negotiations should be viewed as a trade-off process; the

problems of the negative impacts on governance and educational programs and teaching can be resolved if both sides are willing to find solutions in exchange for other union objectives.

The wording of the grievance procedure must be carefully constructed. It is especially important that provision be made to limit the authority of arbitrators so that contract content cannot be changed through the grievance process.

Contract Administration

Effective contract management can mitigate against the adversarial relationship and clarify the roles of management and faculty.

First, it is very important that the administration accept the contract and understand the contract. It is suggested that immediately upon signing, administrators attend workshops with their negotiating team so that all will share the same interpretation. The team can, at that time, point out changes that will result from the contract, possible ambiguous language, and share all that they have learned through the process of negotiations. Following the workshops, for multi-campus districts, there should be a centralizing of contract administration and content interpretation; in other words, on-site administrators will have constant communication with the central office so that the administration and interpretation is uniform throughout the system.

It has also been suggested that the contract and the grievance procedure be viewed as a management tool. In other words, properly utilized, they can become a mechanism for better management/faculty cooperation, communication, and problem solving. Proper attention to contract administration will not only decrease the number of grievances but will also result in better administrative/faculty relations.

Miscellaneous Recommendations

It has been suggested that the indirect costs of collective bargaining and the development of adversarial relationships can be controlled by the following:

1. shortening the time period provided for negotiations;
2. creating viable methods of prior consultation or engaging in prenegotiation exploratory discussions;
3. perhaps separating the collegial governance structure and practices from the contract and grievance procedure; in other words, limit the scope of bargaining so that these matters are excluded;
4. limiting the scope of negotiations to wages, fringe benefits, and terms and conditions of employment in the strictest sense;
5. negotiating contracts for periods of longer than one year, three years being probably the optimal; and
6. instituting some form of continuous collective bargaining. Continual dialogue would then occur between management and faculty, and as important issues come up, they are incorporated into the existing contract when agreement has been reached.

Conclusions

Some of these recommendations have been tried and tested and appear viable. Others have been less successful or have never been implemented. Certainly, if both faculty and management would adopt a philosophy of collective bargaining which embraces many of these recommendations, then many of the problems and difficulties associated with collective bargaining in higher education could be minimized or prevented. The literature shows that we can learn from those who have participated in a positive experience.

Recommended Strategies

Based upon the findings, the following strategies are recommended to management for more productive and effective utilization of collective bargaining in higher education:

1. Prepare the negotiations team carefully and thoroughly for the negotiations process--provide data, communicate governing board parameters, instill positive attitudes, and determine consequences and implications of contract proposals.
2. Hire professionals--a professional negotiator and/or labor law expert can assist by analyzing contract language and providing information to assess consequences of alternative proposals.
3. Know and respect the faculty negotiating team--determine their purposes, goals, and priorities; deal with them on a professional and in a businesslike manner.
4. Make provision for and include in the contract a mechanism for maintaining the quality of education and excellence in teaching.
5. Pay careful attention to contract content and language--delineate respective roles and responsibilities of faculty and management; include a specific, detailed management rights clause; avoid vague, ambiguous wording; and limit the scope of the arbitrator to contract interpretation and restrict him/her from making academic decisions and going beyond the content of the contract.
6. Foster an atmosphere of professionals solving mutual problems, and provide a mechanism by which this problem solving process can be an on-going process rather than confined to periods of contract negotiations.

7. Train management so that they may be effective administrators under the constraints of collective bargaining. This in-service should include topics such as understanding of contract terms and provisions; leadership skills; importance of political timing and the political processes; and team building, particularly in the area of decision making.

Collective bargaining, thus, has the potential for a positive impact on higher education and the community colleges in particular. The degree to which this potential is achieved is dependent upon the attitudes, orientation, skill, knowledge, and activities of the two main interest groups--managment and faculty. As Kemerer and Baldridge state:

> ". . . we want to mount a call for academic statesman, people who will meet the challenges of collective bargaining, fight for the promises it holds, and not be afraid to struggle against its misuse."[131]

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FOOTNOTES

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